

Amendment No. 1 to SB0993

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 993

House Bill No. 1126*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-2-311(a)(11), is amended by adding the following new subdivision:

(G)

(i) In any action for retroactive child support filed on or after July 1, 2017, retroactive child support shall not be awarded for a period of more than five (5) years from the date the action for support is filed unless the court determines, for good cause shown, that a different award of retroactive child support is in the interest of justice. The burden to show that a longer time period of retroactive support is in the interest of justice is on the custodial parent. Good cause includes, but is not limited to, the following:

(a) The noncustodial parent deliberately avoided service or knowingly impeded or delayed the imposition of a support obligation;

(b) The noncustodial parent used threats, intimidation, or force to prevent or delay the imposition of a support obligation; or

(c) The custodial parent reasonably feared that the establishment of parentage would result in domestic abuse, as defined in § 36-3-601.

(ii) The court may award retroactive child support for less than the five-year-period required by subdivision (a)(11)(i) if the court determines, for good cause shown, that a different award of retroactive child support is in the interest

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of justice. The burden to show that a shorter time period of retroactive support is in the interest of justice is on the noncustodial parent.

(iii) Upon a finding of good cause in accordance with this subdivision (a)(11)(G), the court may order retroactive support from the date the court determines to be equitable and just.

(iv) The presumption that child support for the benefit of the child be awarded retroactively to the date of the child's birth contained in the child support guidelines shall not apply to any action in which this subdivision (a)(11)(G) is applicable.

(v) Nothing in this subdivision (a)(11)(G) limits any claim for retroactive child support owed to the department of human services.

SECTION 2. Tennessee Code Annotated, Section 36-5-101(e)(1), is amended by adding the following new subdivision:

(l)

(i) In any action for retroactive child support filed on or after July 1, 2017, retroactive child support shall not be awarded for a period of more than five (5) years from the date the action for support is filed unless the court determines, for good cause shown, that a different award of retroactive child support is in the interest of justice. The burden to show that a longer time period of retroactive support is in the interest of justice is on the custodial parent. Good cause includes, but is not limited to, the following:

(a) The noncustodial parent deliberately avoided service or knowingly impeded or delayed the imposition of a support obligation;

(b) The noncustodial parent used threats, intimidation, or force to prevent or delay the imposition of a support obligation; or

(c) The custodial parent reasonably feared that the establishment of parentage would result in domestic abuse, as defined in § 36-3-601.

(ii) The court may award retroactive child support for less than the five-year-period required by subdivision (e)(1)(I)(i) if the court determines, for good cause shown, that a different award of retroactive child support is in the interest of justice. The burden to show that a shorter time period of retroactive support is in the interest of justice is on the noncustodial parent.

(iii) Upon a finding of good cause in accordance with this subdivision (e)(1)(I), the court may order retroactive support from the date the court determines to be equitable and just.

(iv) The presumption that child support for the benefit of the child be awarded retroactively to the date of the child's birth contained in the child support guidelines shall not apply to any action in which this subdivision (e)(1)(I) is applicable.

(v) Nothing in this subdivision (e)(1)(I) limits any claim for retroactive child support owed to the department of human services.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.